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to a mirror-symmetry plane perpendicular to the semiconductor layer extending from a center line of said contact array.

A<sup>3</sup>  
cont'd

103. (New) The ESD protection device of claim 102, wherein said second group of islands is not a mirror image of the first group of islands with respect to a symmetry axis along a center line of the contact array.

**IN THE DRAWINGS:**

Subject to the approval of the Examiner, please amend Figs. 4B, 4C, and 8 as indicated in the Request for Approval of Drawing Changes filed concurrently herewith.

**REMARKS**

By this Amendment, Applicant amends claim 1 to more appropriately define the invention, and adds new claims 101-103 to protect additional aspects related to the present invention. Claims 1-103 are pending with claims 20-100 being withdrawn from further consideration by an election of species.

Further, Applicant amends the specification and proposes to amend Figs. 4B, 4C, and 8 in the Request for Approval of Drawing Changes filed concurrently herewith. Applicant submits that no new matter is introduced by these amendments. For example, support for the amendment of Fig. 8 may be found at page 12 which describes the non-symmetric disposition of islands.

In the Office Action, the Examiner rejected claims 1-19 under 35 U.S.C. § 112, first paragraph, and rejected claims 1-19 under 35 U.S.C. § 103(a) as unpatentable over

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Prior Art Figure 1 of the present application or Lin, U.S. Patent No. 5,721,439.

Applicant traverses these rejections for the following reasons.

**Response to Rejection under 35 U.S.C. § 112, first paragraph,**

In this rejection, the Examiner alleged that claims 1-19 contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the art that Applicant, at the time the application was filed, had possession of the claimed subject matter. More particularly, the Examiner alleged that the claim recitation “island regions … [positioned] non-symmetrically along a length direction” does not require “reading into the claims in order to make sense of the claims from the standpoint of a skilled [artisan]” (Office Action, p. 2).

Applicant amends claim 1 to more appropriately define the invention. Claim 1 recites, *inter alia*, “at least one island formed in [a] first diffusion region, the at least one island positioned non-symmetrically with respect to a symmetry axis, wherein said symmetry axis extending from a midpoint of the channel region perpendicular to the channel region and in parallel to a surface of the semiconductor layer.” Applicant respectfully asserts this claim recitation is supported by the original specification.

For example, support for the claim recitation “the at least one island positioned non-symmetrically with respect to a symmetry axis” may be found at page 12 of the specification. Specifically, the specification recites “[i]sland 604 is non-symmetrically disposed relative to island 602 in that the right end of island 604 extends beyond the right edge of region 406 while the left end of island 604 is within region 406,” (page 12, lines 11-13). See also, Figs. 6, 7, 14 and p. 18. Thus, the claim recitation “the at least one island positioned non-symmetrically with respect to a symmetry axis” is described in the specification and drawings.

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In making the various references to the specification and drawings set forth above, it is to be understood that Applicant is in no way intending to limit the scope of the claims to the exemplary embodiments described in the specification and shown in the drawings. Rather, Applicant expressly affirms that he is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

**Response to Rejection under 35 U.S.C. § 103(a)**

The Examiner rejected claims 1-19 as unpatentable over Prior Art Figure 1 or Lin. For the purposes of this response, Applicant will refer to Lin since Prior Art Figure 1 is a reproduction of Lin's Figure 8. In response, Applicant asserts that a *prima facie* case of obviousness has not been established.

In order to establish a *prima facie* case of obviousness, three basic criteria must be met. First, the prior art reference (or references when combined) must teach or suggest all the claim elements. Furthermore, "[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art." See M.P.E.P. § 2143.01 (8<sup>th</sup> Ed., Aug. 2001), quoting *In re Wilson*, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970). Second, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify a reference or to combine reference teachings. Finally, there must be a reasonable expectation of success. See M.P.E.P. § 2143, pp. 2100-122 to 127.

Claim 1 is directed to an electrostatic discharge device comprising a combination of elements including, *inter alia*, "at least one island formed in [a] first diffusion region, the at least one island positioned non-symmetrically with respect to a symmetry axis, wherein said symmetry axis extending from a midpoint of the channel region

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perpendicular to the channel region and in parallel to a surface of the semiconductor layer."

Lin is directed to electrostatic discharge circuitry. Lin discloses that the discharge circuitry comprises a number of isolated islands 81-86 arranged in a diffusion region. See Lin, Fig. 8. The Examiner alleged that islands 83 and 84 are non-symmetrical in one interpretation. However, Lin explicitly teaches that islands 81-86 are symmetrically arranged. Specifically, Lin teaches "islands [81-86] are aligned along the longitudinal direction of the islands themselves, and each isolated island in a row is in relative interleaving relationship with the proximate islands in the neighboring rows at both sides." Lin, col. 5, lines 52-56. Furthermore, Lin teaches that "all the islands 81-86 are substantially the same size in terms of both width and length ... [which] allows for a symmetric alignment." Lin, col. 5, lines 61-64.

Thus, Lin fails to teach or suggest at least "'at least one island formed in [a] first diffusion region, the at least one island positioned non-symmetrically with respect to a symmetry axis, wherein said symmetry axis extending from a midpoint of the channel region perpendicular to the channel region and in parallel to a surface of the semiconductor layer," as recited in claim 1. Therefore, a *prima facie* case of obviousness has not been established because Lin does not teach or suggest all the elements of claim 1. For at least this reason, claim 1 is allowable.

Claims 2-19 are allowable at least due to their dependence from allowable claim 1. "If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious." M.P.E.P. § 2143.03, p. 2100-126 *citing In re Fine*, 837 F.2d 1071, 5 U.S.P.Q.2d 1596 (Fed. Cir. 1988).

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## New claims

Applicant adds new claims 101-103 to protect additional aspects related to the present invention. Applicant respectfully submits that these claims are allowable over the cited prior art Lin for at least the following reasons.

Claim 101 depends from claim 1 and thus, incorporates the elements of that claim. As advanced above in the Response to Rejections under 35 U.S.C. § 103(a), claim 1 is allowable over Lin. Thus, claim 101 is allowable at least due to its dependency from allowable claim 1.

Claim 102 is directed to a ESD device comprising a combination of elements including, *inter alia*, "a first group of at least one island disposed in [a] first diffusion region between [a] contact array and [a] first channel; a second group of at least one island disposed in the first diffusion region between the contract array and [a] second channel, wherein said first and second groups include all islands in the first diffusion region and said first and second groups being disposed non-symmetrically with respect to a mirror-symmetry plane perpendicular to the semiconductor layer extending from a center line of said contact array" (emphasis added). As advanced above, Lin is directed to a discharge protection device comprising isolated islands disposed in an evenly distributed gridwork. Lin, col. 6, lines 6-13. Thus, Lin discloses that all the islands are symmetrically disposed. Thus, claim 102 differs from the device taught by Lin. Hence, claim 102 is allowable over Lin. Claim 103 is allowable at least due to its dependence from allowable claim 102.

In view of the foregoing, Applicant respectfully requests the reconsideration and reexamination of this application and the timely allowance of the pending claims.

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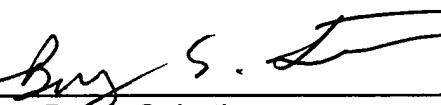
Attached hereto is a marked-up version of the changes made to the specification and claims by this Amendment. The attachment is captioned "Appendix to Amendment of March 18, 2003".

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: March 18, 2003

By:   
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